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Soviet Noncompliance With Arms Control Agreements

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Following is the President's unclassified report on Soviet noncompliance with arms control agreements along with his letter of transmittal to the Speaker of the House of Representatives and to the President of the Senate on December 23, 1985.

Transmittal Letter

Dear Mr. Speaker (Dear Mr. President):

In response to Congressional requests as set forth in Public Law 99-145, I am forwarding herewith classified and unclassified versions of the Administration's report to the Congress on Soviet Noncompliance with Arms Control Agreements.

Detailed classified briefings will be available to the Congress early in the new year.

I believe the additional information provided, and issues addressed, especially in the detailed classified report, will significantly increase understanding of Soviet violations and probable violations. Such understanding, and strong Congressional consensus on the importance of compliance to achieving effective arms control, will do much to strengthen our efforts both in seeking corrective actions and in negotiations with the Soviet Union.

Sincerely,

RONALD REAGAN

Unclassified Report

In reporting to the Congress on February 1 of this year on Soviet non-

compliance with arms control agreements, I have stated that:

In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less. To do so would undermine the arms control process and damage the chances for establishing a more constructive U.S.-Soviet relationship.

I further stated that:

Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns. The United States Government has vigorously pressed, and will continue to press, these compliance issues with the Soviet Union through diplomatic channel.

The important role of treaty compliance for future arms control was recently recognized by the United Nations. On December 12, 1985, the General Assembly passed by a vote of 131-0 (with 16 abstentions) a resolution on arms control compliance which had been introduced by the United States and other co-sponsors. The resolution:

- urges all parties to arms limitation and disarmament agreements to comply with their provisions;

- calls upon those parties to consider the implications of noncompliance for international security and stability and for the prospects for further progress in the field of disarmament; and

- appeals to all U.N. members to support efforts to resolve noncompliance questions "with a view toward encouraging strict observance of the provisions subscribed to and maintaining or restoring the integrity of arms limitation or disarmament agreements."

At the request of the Congress, I have in the past two years provided three reports to the Congress on Soviet compliance issues. The first, forwarded in January 1984, reviewed seven compliance issues, concluding that the Soviet Union had, in fact, violated a number of important arms control commitments.

In September 1984 I provided, at the request of the Congress, a report on Soviet noncompliance prepared by the independent General Advisory Committee on Arms Control and Disarmament. That report concluded that over a 25-year span the Soviets had violated a substantial number of arms control commitments.

In February 1985, I submitted a report to the Congress updating the Administration's January 1984 report and reviewing 13 issues that could be treated in unclassified terms and an additional group of six issues treated on a classified basis. That report discussed the pattern of Soviet arms control violations, probable violations, or ambiguous

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activity in seventeen cases. The U.S. Government found seven Soviet violations, three probable violations, one likely and one potential violation. The Soviets were found to be in compliance in two other cases examined.

One of those issues, Yankee-Class submarine reconfiguration, is not addressed in the current report. While a submarine reconfigured to carry long-range cruise missiles constitutes a threat similar to that of the original SSBN, I reported in February that Soviet reconfiguration activities have not been in violation of the SALT I [strategic arms limitation talks] Interim Agreement. This issue, therefore, requires no further judgment in terms of compliance at present.

Public Law 99-145 requires the Administration to provide on an annual basis by December 1 of each year a classified and unclassified report to the Congress containing the findings of the President and any additional information necessary to keep the Congress informed on Soviet compliance with arms control agreements.

The current report responds to this Congressional requirement. It is the product of months of careful technical and legal analysis by all relevant agencies of the United States Government and represents the Administration's authoritative updated treatment of this important matter.

The current unclassified report examines one new issue and updates all of the issues studied in the classified report of February 1985, except the issue of Yankee-Class submarine reconfiguration. There are violations in nine cases. Of the nine cases involving violations, one SALT II issue—that of Soviet concealment of the association between missiles and their launchers—is examined for the first time. The Soviet Union has now also violated its commitment to the SALT I Interim Agreement through the prohibited use of remaining facilities at former SS-7 ICBM [intercontinental ballistic missile] sites. In addition, Soviet deployment of the SS-25 ICBM during 1985 constitutes a further violation of the SALT II prohibition on a second new type of ICBM. Several other issues involve potential, probable or likely violations.

The current unclassified report reaffirms the findings of the February 1985 classified report concerning ABM [anti-ballistic missile] issues, making public two of them for the first time. It also reaffirms the February findings concerning SALT II issues involving violations, including one concerning strategic nuclear delivery vehicles, which has not previously been made public. In two SALT II issues with respect to which the Soviets were not judged to be in

clear violation in the classified report of last February, the findings are altered or updated. These two issues are the SS-16 and an issue made public for the first time—Backfire Bomber production rate.

The Administration's most recent studies support its conclusion that there is a pattern of Soviet noncompliance. As documented in this and previous reports, the Soviet Union has violated its legal obligation under or political commitment to the SALT I ABM Treaty and Interim Agreement, the SALT II agreement, the Limited Test Ban Treaty of 1963, the Biological and Toxin Weapons Convention, the Geneva Protocol on Chemical Weapons, and the Helsinki Final Act. In addition, the U.S.S.R. has likely violated provisions of the Threshold Test Ban Treaty.

While we remain concerned about Soviet violations of Basket I of the Helsinki Final Act and the Limited Test Ban Treaty, there is no unambiguous evidence of new 1985 Soviet violations of these two treaties. With regard to the Biological and Toxin Weapons Convention, or the Geneva Protocol on Chemical Weapons, there also is no unambiguous evidence of new 1985 Soviet lethal attacks that meets our strict standards of evidence. However, the Soviets clearly remain in violation of the Biological and Toxin Weapons Convention.

THE SIGNIFICANCE OF SOVIET NONCOMPLIANCE

Through its noncompliance, the Soviet Union has made military gains in the areas of strategic offensive arms as well as chemical, biological and toxin weapons. If the yields of Soviet nuclear tests have been substantially above 150 kilotons, then Soviet testing would allow proportionately greater gains in nuclear weapons development than the U.S. could achieve. The possible extent of the Soviet Union's military gains by virtue of its noncompliance in the area of strategic defense also is of increasing importance and serious concern.

In a fundamental sense, all deliberate Soviet violations are equally important. As violations of legal obligations or political commitments, they cause grave concern regarding Soviet commitment to arms control, and they darken the atmosphere in which current negotiations are being conducted in Geneva and elsewhere.

In another sense, Soviet violations are not of equal importance. While some individual violations are of little apparent military significance in their own

right, such violations can acquire importance if, left unaddressed, they are permitted to become precedents for future, more threatening violations. Moreover, some issues that individually have little military significance could conceivably become significant when taken in their aggregate.

The Krasnoyarsk Radar

The radar under construction near Krasnoyarsk in Siberia is disturbing for both political and military reasons. Politically, the radar demonstrates that the Soviets are capable of violating arms control obligations and commitments even when they are negotiating with the United States or when they know we will detect a violation. The 1972 ABM Treaty prohibits the Soviets from siting an ABM radar, or siting and orienting a ballistic missile detection and tracking radar, as the Krasnoyarsk radar is sited and oriented.

Militarily, the Krasnoyarsk radar violation goes to the heart of the ABM Treaty. Large phased-array radars (LPARs) like that under construction near Krasnoyarsk were recognized during the ABM Treaty negotiations as the critical, long lead-time element of a nationwide ABM defense.

When considered as a part of a Soviet network of new LPARs, the Krasnoyarsk radar has the inherent potential to contribute to ABM radar coverage of a significant portion of the central U.S.S.R. Moreover, the Krasnoyarsk radar closes the remaining gap in Soviet ballistic missile detection and tracking coverage.

ABM Territorial Defense and Other ABM Activities

The Krasnoyarsk radar appears even more menacing when considered in the context of other Soviet ABM-related activities. Together they cause concern that the Soviet Union may be preparing an ABM territorial defense. Some of these activities, such as permitted LPARs and the Moscow ABM deployment area, are consistent with the ABM Treaty. Others involve potential or probable Soviet violations or other ambiguous activity, including:

- the apparent testing and development of components required for an ABM system which could be deployed to a site in months rather than years;
- the probable concurrent testing of air defense components and ABM components;
- the development of a modern air defense system, the SA-X-12, which may have some ABM capabilities; and
- the demonstration of an ability to reload ABM launchers and to refire the

interceptor missile in a period of time shorter than previously noted.

Soviet deployment of an ABM territorial defense contrary to the ABM Treaty would have profound implications for Western security and the vital East-West strategic balance. A unilateral Soviet territorial ABM capability acquired in violation of the ABM Treaty could erode our deterrent and leave doubts about its credibility. Such a capability might encourage the Soviets to take increased risks in crises, thus degrading crisis stability.

SS-25

The SS-25, a clear and irreversible violation of the Soviet Union's SALT II commitment, also has important political and military implications. Testing and deployment of this missile violates a central provision of the SALT II Treaty, which was intended to limit the number of new ICBMs. The Treaty permits only one new type of ICBM for each Party. The Soviets have informed us that their one new type will be the SS-X-24, which is now undergoing testing, and have falsely asserted that the SS-25 is a permitted modernization of the silo-based SS-13 ICBM.

Under the pretext of permitted modernization, the Soviets, since the last compliance report, have deployed a prohibited second new type of missile, the SS-25, which is mobile and could be made more lethal. The SS-25 also could be modified to carry more than a single warhead. Most worrisome is the technical argument by which the Soviets sought to justify the SS-25, for it might be applied to additional prohibited new types of ICBMs in the future.

Telemetry Encryption and Concealment of Missile/Launcher Association

Two other Soviet violations impede our ability to verify the Soviet Union's compliance with its political commitments. Soviet use of encryption impedes U.S. verification of Soviet compliance and thus contravenes the provision of the SALT II Treaty which prohibits use of deliberate concealment measures which impede verification of compliance by national technical means. A new finding of this report is that current Soviet activities violate the provision of the Treaty which prohibits use of deliberate concealment measures associated with testing, including those measures aimed at concealing the association between ICBMs and launchers during testing. These deliberate Soviet concealment activities impede our ability to know

whether a type of missile is in compliance with SALT II requirements. They could also make it more difficult for the United States to assess accurately the critical parameters of any future missile.

Since the SALT I agreement in 1972, Soviet encryption and concealment activities have become more extensive and disturbing. These activities, Soviet responses on these issues, and Soviet failure to take the corrective actions which the United States has repeatedly requested, are indicative of a Soviet attitude contrary to the fundamentals of sound arms control agreements. Soviet encryption and concealment activities present special obstacles to maintaining existing arms control agreements, undermine the political confidence necessary for concluding new treaties, and underscore the necessity that any new agreement be effectively verifiable. Soviet noncompliance, as documented in current and past Administration reports and exemplified by the encryption and concealment issues, has made verification and compliance pacing elements of arms control today.

Chemical, Biological and Toxin Weapons

The Soviet Union's violations of its legal obligations under the Biological and Toxin Weapons Convention and the Geneva Protocol have important political and military implications. The Soviets had a program of biological and toxin weapons before they signed the multilateral Treaty. Upon signing the Treaty, the Soviets not only did not stop their illegal program but they expanded facilities and were instrumental in the use of prohibited agents.

The Soviet Union has a prohibited offensive biological warfare capability which we do not have and against which we have no defense. This capability may include advanced biological agents about which we have little knowledge. Evidence suggests that the Soviets are expanding their chemical and toxin warfare capabilities in a manner that has no parallel in NATO's retaliatory or defensive programs. Even though there has been no unambiguous evidence of lethal attacks during 1985, previous activities have provided testing, development and operational experience.

Nuclear Testing

With respect to the Threshold Test Ban Treaty, Soviet testing at yields above the 150 kiloton limit would allow development of advanced nuclear weapons with proportionately higher yields than the yields of weapons that the U.S. could develop under the Treaty. The U.S. Government judges that Soviet

test activities constitute likely violations of the 150 kiloton limit.

Other Issues

Military significance is evidently not necessarily the determining factor in Soviet decisions or actions which violate their arms control commitments. The Soviet Union has also violated or probably violated arms control obligations and commitments from which at present it appears to reap little military gain. The following cases are relevant in this regard:

- the use of remaining facilities at former SS-7 ICBM sites since the February 1985 compliance report (SALT I Interim Agreement);
- exceeding the strategic nuclear delivery vehicle limits (SALT II);
- probable deployment of the SS-16 (SALT II); and
- underground nuclear test venting (Limited Test Ban Treaty).

The 1981 Soviet violation of the military exercise notification provisions of the Helsinki Final Act involved an action contrary to the confidence building measures included in that agreement.

Soviet deployments of Backfire Bombers to Arctic staging bases are inconsistent with the Soviet Union's political commitment to the SALT II Treaty. In addition, while there are ambiguities concerning the data, there is evidence that the production rate of the Backfire Bomber was constant at slightly more than 30 per year until 1984, and slightly less than 30 per year since then. These Soviet Backfire Bomber activities will continue to be monitored and assessed.

THE SOVIET RESPONSE

At the same time as the Administration has reported its concerns and findings to the Congress, the United States has had extensive exchanges with the Soviet Union on Soviet noncompliance in the Standing Consultative Commission (SCC), where SALT-related issues (including ABM issues) are discussed, and through other appropriate diplomatic channels. I expressed my personal concerns directly to General Secretary Gorbachev during my recent meeting with him in Geneva.

All of the violations, probable violations and ambiguous situations included in this report and previously reported on have been raised with the Soviets, except certain sensitive issues. The Soviet Union has thus far not provided explanations sufficient to alleviate our concerns on these issues, nor has the Soviet Union taken actions needed to

correct existing violations. Instead, they have continued to assert that they are in complete compliance with their arms control obligations and commitments.

U.S. POLICY

In contrast with the Soviet Union, the United States has fully observed its arms control obligations and commitments, including those under the SALT I and SALT II agreements. As I stated in my message to the Congress on June 10 of this year concerning U.S. interim restraint policy:

In 1982, on the eve of the Strategic Arms Reduction Talks (START), I decided that the United States would not undercut the expired SALT I agreement or the unratified SALT II agreement as long as the Soviet Union exercised equal restraint. Despite my serious reservations about the inequities of the SALT I agreement and the serious flaws of the SALT II agreement, I took this action in order to foster an atmosphere of mutual restraint conducive to serious negotiation as we entered START.

Since then, the United States has not taken any actions which would undercut existing arms control agreements. The United States has fully kept its part of the bargain. However, the Soviets have not. They have failed to comply with several provisions of SALT II, and we have serious concerns regarding their compliance with the provisions of other accords.

The pattern of Soviet violations, if left uncorrected, undercuts the integrity and viability of arms control as an instrument to assist in ensuring a secure and stable future world. The United States will continue to pursue vigorously with the Soviet Union the resolution of our concerns over Soviet non-compliance. We cannot impose upon ourselves a double standard that amounts to unilateral treaty compliance.

On June 10, I invited the Soviet Union to join the United States in an interim framework of truly mutual restraint on strategic offensive arms and to pursue with renewed vigor our top priority of achieving deep reductions in the size of existing nuclear arsenals in the ongoing negotiations in Geneva. I noted that the U.S. cannot establish such a framework alone and that it would require the Soviet Union to take positive, concrete steps to correct its noncompliance, to resolve our other compliance concerns, to reverse its unparalleled and unwarranted military buildup, and actively to pursue arms reduction agreements in the Geneva negotiations.

In going the extra mile, I have made clear that as an integral part of this policy, we will also take those steps required to assure our national security and that of our Allies that were made necessary by Soviet noncompliance.

Thus, as I indicated to the Congress on June 10, "appropriate and proportionate responses to Soviet noncompliance are called for to ensure our security, to provide incentives to the Soviets to correct their noncompliance, and to make it clear to Moscow that violations of arms control obligations entail real costs."

As we monitor Soviet actions for evidence of the positive, concrete steps needed on their part to correct these activities, I have directed the Department of Defense to conduct a comprehensive assessment aimed at identifying specific actions that the United States could take to augment as necessary the U.S. strategic modernization program as a proportionate response to, and as a hedge against the military consequences of those Soviet violations of existing arms control agreements which the Soviets fail to correct. We will carefully study this report as soon as it has been completed.

As we press for corrective Soviet actions and while keeping open all programmatic options for handling future milestones as new U.S. strategic systems are deployed, we will continue to assess the overall situation in light of Soviet actions correcting their non-compliance, reversing their military build-up, and promoting progress in Geneva.

I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements.

The findings on Soviet noncompliance with arms control agreements follow.

THE FINDINGS

Anti-Ballistic Missile (ABM) Treaty

Treaty Status

The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

1. The Krasnoyarsk Radar

- **Obligation:** To preclude creation of a base for territorial ABM defense, the ABM Treaty provides that radars for early warning of ballistic missile attack may be deployed only at locations

along the periphery of the national territory of each party and that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

- **Issue:** The January 1984 and February 1985 reports examined the issue of whether the Krasnoyarsk radar meets the provisions of the ABM Treaty governing phased-array radars. This report reexamines this issue.

- **Finding:** The U.S. Government reaffirms the conclusion in the February 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction and the absence of credible alternative explanations have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory.

2. Mobility of ABM System Components

- **Obligation:** The ABM Treaty prohibits the development, testing or deployment of mobile land-based ABM systems or components.

- **Issue:** The February 1985 report examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty. This report reexamines this issue.

- **Finding:** The U.S. Government judges that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the U.S.S.R.'s development and testing of components of an ABM system, which apparently are designed to be deployable at sites requiring relatively limited site preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory.

3. Concurrent Testing of ABM and Air Defense Components

- **Obligation:** The ABM Treaty and its Protocol limit the Parties to one ABM deployment area. In addition to the ABM systems and components at

that one deployment area, the Parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the Parties from testing them in "an ABM mode." The Parties agreed that the concurrent testing of SAM [surface-to-air missile] and ABM system components is prohibited.

- **Issue:** The February 1985 compliance report examined whether the Soviet Union has concurrently tested SAM and ABM system components in violation of its legal obligation since 1978 not to do so. It was the purpose of that obligation to further constrain testing of air defense systems in an ABM mode. This report reexamines this issue.

- **Finding:** The U.S. Government reaffirms the judgment made in the February 1985 report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty. However, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully U.S. concerns, indicate the U.S.S.R. probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other ABM-related activities suggest the U.S.S.R. may be preparing an ABM defense of its national territory.

4. ABM Capability of Modern SAM Systems

- **Obligation:** Under the ABM Treaty, each party undertakes not to give non-ABM interceptor missiles, launchers or radars "capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode. . . ."

- **Issue:** The February 1985 classified report examined whether the Soviet Union has tested a SAM system or component in an ABM mode or given it the capability to counter strategic ballistic missiles or their elements in flight trajectory in violation of their legal obligation under the ABM Treaty. This report reexamines this issue.

- **Finding:** The U.S. Government reaffirms the judgment made in the

February 1985 report that the evidence of Soviet actions with respect to SAM upgrade is insufficient to assess compliance with the Soviet Union's obligations under the ABM Treaty. However, this and other ABM-related Soviet activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory.

5. Rapid Reload of ABM Launchers

- **Obligation:** The ABM Treaty limits to 100 the number of deployed ABM interceptor launchers and deployed interceptor missiles. It does not limit the number of interceptor missiles that can be built and stockpiled. The Treaty prohibits the development, testing or deployment of "automatic or semi-automatic or other similar systems for rapid reload" of the permitted launchers.

- **Issue:** The February 1985 classified report examined whether the Soviet Union has developed, tested or deployed automatic, semi-automatic, or other similar systems for rapid reload of ABM launchers in violation of its legal obligation under the ABM Treaty. This report reexamines this issue.

- **Finding:** The U.S. Government judges, on the basis of the evidence available, that the U.S.S.R.'s actions with respect to the rapid reload of ABM launchers constitute an ambiguous situation as concerns its legal obligations under the ABM Treaty not to develop systems for rapid reload. The Soviet Union's reload capabilities are a serious concern. These and other ABM-related activities suggest that the U.S.S.R. may be preparing an ABM defense of its national territory.

6. ABM Territorial Defense

- **Obligation:** The ABM Treaty allows each party a single operational site, explicitly permits modernization and replacement of ABM systems or their components, and explicitly recognizes the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

- **Issue:** The February 1985 report examined whether the Soviets have deployed an ABM system for the defense of their territory or provided a base for such a defense. This report reexamines this issue.

- **Finding:** The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions

(e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload and ABM mobility) suggests that the U.S.S.R. may be preparing an ABM defense of its national territory.

SALT II Treaty

Treaty Status

SALT II was signed in June 1979 and has not been ratified. In 1981 the United States made clear to the Soviet Union its intention not to ratify the SALT II Treaty. Prior to this clarification of our position in 1981, both nations were obligated under customary international law not to take actions which would defeat the object and purpose of the signed, but unratified, Treaty. Such Soviet actions prior to 1981 are violations of legal obligations. Since 1981, the United States has observed a political commitment to refrain from actions that undercut the SALT II Treaty so long as the Soviet Union does likewise. The Soviets have told us they also would abide by these provisions. Soviet actions inconsistent with this commitment are violations of their political commitment with respect to the SALT II Treaty.

1. The SS-25 ICBM

- **Obligation:** In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBMs, the provisions of SALT II permit each side to "flight test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight or throw-weight or differs in number of stages or propellant type. In addition, it was agreed that no ICBM of an existing type with a post-boost vehicle and a single reentry vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throw-weight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBMs could quickly be converted to MIRVed systems.

- **Issues:** The January 1984 and February 1985 reports examined the evidence: whether the Soviets have tested or deployed a second new type of ICBM (the SS-25) which is prohibited; whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throw-weight; and

whether encryption of SS-25 flight test telemetry impedes verification. This report reexamines these issues.

- **Findings:**

- a. *Second New Type—Testing and Deployment:* The U.S. Government judges, based on convincing evidence about the SS-25, that the throw-weight of the Soviet SS-25 ICBM exceeds by more than 5 percent the throw-weight of the Soviet SS-13 ICBM and cannot therefore be considered a permitted modernization of the SS-13 as the Soviets claim. The SS-25 is a prohibited second "new type" of ICBM and its testing, in addition to the testing of the SS-X-24 ICBM, thereby is a violation of the Soviet Union's political commitment to observe the "new type" provision of the SALT II Treaty. The deployment of this missile during 1985 constitutes a further violation of the SALT II prohibition on a second "new type" of ICBM.

- b. *RV-to-Throw-weight Ratio:* The U.S. Government reaffirms the conclusion of the January 1984 report regarding the SS-25 RV-to-throw-weight ratio. That is, if we were to accept the Soviet argument that the SS-25 is not a prohibited "new type" of ICBM, it would be a violation of their political commitment to observe the SALT II provision which prohibits the testing of such an existing ICBM with a single reentry vehicle whose weight is less than 50 percent of the throw-weight of the ICBM.

- c. *Encryption:* The U.S. Government reaffirms its judgment made in the January 1984 report regarding telemetry encryption during tests of the SS-25. Encryption during tests of this missile is illustrative of the deliberate impeding of verification of compliance in violation of the U.S.S.R.'s political commitment.

Despite U.S. requests for explanations and corrective actions with regard to the SS-25 ICBM-related activities, Soviet actions continue unchanged, and the Soviet Union has proceeded to deployment of this missile.

2. Strategic Nuclear Delivery Vehicle Limits

- **Obligation:** The Soviet Union's political commitment to abide by SALT II is interpreted by the U.S. Government as including an obligation not to increase the number of strategic nuclear delivery vehicles (SNLVs) in its arsenal. The Soviet Union had 2,504 SNDVs when it signed SALT II.

- **Issue:** The February 1985 classified report examined the issue of whether the Soviet Union has abided by its commitment not to exceed the level of 2,504 SNDVs. This report reexamines this issue.

- **Finding:** The U.S. Government interprets the Soviet commitment to abide by SALT II as including the existence of a cap on SNDVs—at a level of 2,504 existing at the time SALT II was signed. The Soviet Union has deployed SNDVs above the 2,504 cap in violation of its political commitment under SALT II. Such activity is indicative of a Soviet policy inconsistent with this political commitment.

3. SS-16 Deployment

- **Obligation:** The Soviet Union agreed in SALT II not to produce, test or deploy ICBMs of the SS-16 type and, in particular, not to produce the SS-16 third stage or the reentry vehicle of that missile.

- **Issue:** The January 1984 and February 1985 reports examined the evidence regarding whether the Soviets have deployed the SS-16 ICBM in spite of the ban on its deployment. This report reexamines this issue.

- **Finding:** The President's February 1985 Report to Congress which noted that the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, found the activities at Plesetsk to be a probable violation of the U.S.S.R.'s legal obligation and political commitment under SALT II. Soviet activity in the past year at Plesetsk seems to indicate the probable removal of SS-16 equipment and introduction of equipment associated with a different ICBM.

4. Backfire Bomber Intercontinental Operating Capability

- **Obligation:** At the signing of SALT II, the U.S.S.R. gave the U.S. assurances about the BACKFIRE bomber's intercontinental operating capability. The Soviet statement of June 16, 1979, read, in pertinent part, as follows:

The Soviet side informs the US side that the Soviet "Tu-22M" airplane, called "BACKFIRE" in the USA, is a medium-range bomber, and that it does not intend to give this airplane the capability of operating at intercontinental distances. In this connection, the Soviet side states that it will not increase the radius of action of this airplane in such a way as to enable it to strike targets on the territory of the USA. Nor does it intend to give it such a capability in any other manner, including by in-flight refueling. . . .

This unilateral statement is an integral part of the SALT II agreement and the U.S. considers it to be incorporated in the Soviet Union's political commitment to abide by SALT II.

- **Issue:** The February 1985 classified report addressed the issue of

whether temporary deployments of BACKFIRE bombers to Arctic bases constitute actions inconsistent with Brezhnev's June 16, 1979, statement not to give the BACKFIRE an increased radius of action and the capability of operating at intercontinental distances. This report reexamines this issue.

- **Finding:** The U.S. Government judges that the temporary deployment of BACKFIRES to Arctic bases is cause for concern and continued careful monitoring. By such temporary deployment of BACKFIRES, the Soviet Union acted in a manner inconsistent with its political commitment in the June 1979 BACKFIRE statement not to give Backfire the capability to strike targets on the territory of the United States.

5. Backfire Bomber Production Rate

- **Obligation:** At the signing of SALT II, the U.S.S.R. gave the U.S. assurances about the BACKFIRE bomber's production rate. The Soviet statement read, in pertinent part, as follows: ". . . the Soviet side states that it will not increase the production rate of this airplane as compared to the present rate." Soviet President Brezhnev, according to Secretary Vance's SALT II transmittal letter to the Senate, "confirmed that the Soviet BACKFIRE production rate would not exceed thirty per year." President Carter stated that the United States enters into the SALT II Agreement on the basis of the commitments contained in the Soviet statement and that it considers the carrying out of these commitments to be essential to the obligations under the Treaty. The U.S. considers the Soviet unilateral statement to be an integral part of the SALT II Agreement and, as such, to be incorporated in the Soviet Union's political commitment to abide by SALT II.

- **Issue:** The February 1985 report examined the question of whether the Soviet Union has produced more than 30 BACKFIRES per year and increased the production rate since signing SALT II. This report reexamines this issue.

- **Finding:** The U.S. Government judges that the Soviet Union is obligated to produce no more than 30 BACKFIRE bomber aircraft per year. There are ambiguities concerning the data. However, there is evidence that the Soviet BACKFIRE production rate was constant at slightly more than 30 per year until 1984, and decreased since that time to slightly below 30 per year.

6. Encryption of Ballistic Missile Telemetry

- **Obligation:** Provisions of SALT II ban deliberate concealment measures

that impede verification by national technical means. The Treaty permits each party to use various methods of transmitting telemetric information during testing, including encryption, but bans deliberate denial of telemetry, such as through encryption, whenever such denial impedes verification.

- **Issue:** The January 1984 compliance report examined whether the Soviet Union has engaged in encryption of missile test telemetry (radio signals) so as to impede verification. This issue was reexamined in the February 1985 compliance report and is examined again in this report.

- **Finding:** The U.S. Government reaffirms the conclusion in the February 1985 report that Soviet encryption practices constitute a violation of a legal obligation under SALT II prior to 1981 and a violation of their political commitment since 1982. The nature and extent of such encryption of telemetry on new ballistic missiles, despite U.S. requests for corrective action, continues to be an example of deliberately impeding verification of compliance in violation of this Soviet political commitment.

7. Concealment of Missile/Launcher Association

- **Obligation:** Article XV of the SALT II Treaty prohibits "deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty." This obligation is further clarified in a Common Understanding that states that Article XV applies to all provisions of the Treaty and "includes the obligation not to use deliberate concealment measures associated with testing, including those measures aimed at concealing the association between ICBMs and launchers during testing."

- **Issue:** This report examines for the first time the issue of whether the Soviets have concealed the association between an ICBM and its launcher during testing in violation of their obligation not to use deliberate concealment measures which impede verification.

- **Finding:** The U.S. Government judges Soviet activities related to the SS-25 to be a violation of the Soviet Union's political commitment to abide by the SALT II Treaty provision prohibiting concealment of the association between a missile and its launcher during testing.

SALT I Interim Agreement Treaty Status

The SALT I Interim Agreement entered into force for the United States

and the Soviet Union in 1972. Dismantling procedures implementing the Interim Agreement were concluded in 1974. The Interim Agreement, by its own terms, was of limited duration and expired as a legally binding document in 1977. The applicability of the Interim Agreement to the actions of both parties has, however, been extended by the parties by a series of mutual political commitments, including the President's May 31, 1982, statement that the United States would refrain from actions which would undercut existing strategic arms agreements so long as the Soviet Union shows equal restraint. The Soviets have told us they would abide by the SALT I Interim Agreement and SALT II. Any actions by the U.S.S.R. inconsistent with this commitment are violations of its political commitment with respect to the Interim Agreement and its implementing procedures.

Use of "Remaining Facilities" at Former SS-7 Sites

- **Obligation:** The SALT I Interim Agreement and its procedures prohibit the Parties from using facilities remaining at dismantled or destroyed ICBM sites for storage, support, or launch of ICBMs. Any Soviet actions inconsistent with this commitment are violations of a political commitment with respect to the Interim Agreement and its implementing procedures.

- **Issue:** The February 1985 report examined whether the U.S.S.R. has violated the SALT I Interim Agreement prohibition against using facilities remaining at dismantled former SS-7 ICBM sites for the storage, support or launch of SS-25 ICBMs. This report reexamines this issue.

- **Finding:** The U.S. Government judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBMs is in violation of the SALT I Interim Agreement. Should the Soviets use "remaining facilities" in the future at other former SS-7 sites where the SS-25 is now in the process of being deployed, such use will also constitute Soviet violation of its political commitment under the SALT I Interim Agreement.

Biological Weapons Convention and 1925 Geneva Protocol

Chemical, Biological, and Toxin Weapons

- **Treaty Status:** The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the United States and the Soviet Union are parties. Soviet actions not in accord with these treaties and customary inter-

national law relating to the 1925 Geneva Protocol are violations of legal obligations.

- **Obligations:** The BWC bans the development, production, stockpiling or possession, and transfer of microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices and prohibits use of bacteriological methods of warfare.

- **Issues:** The January 1984 and February 1985 reports examined whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons and whether they have been responsible for the use of lethal chemicals. This report reexamines this issue.

- **Finding:** The U.S. Government judges that ongoing Soviet activities confirm and strengthen the conclusion of the January 1984 and February 1985 reports that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972.

Allegations concerning the use of lethal chemicals or toxins in Kampuchea, Laos, or Afghanistan have subsided in 1985. However, there is no basis for amending the February 1985 conclusion that, prior to this time, the Soviet Union has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972.

Threshold Test Ban Treaty

Nuclear Testing and the 150 Kiloton Limit

- **Treaty Status:** The Threshold Test Ban Treaty (TTBT) was signed in 1974. The Treaty has not been ratified but neither party has indicated an intention not to ratify. Therefore, both Parties are subject to the obligation under customary international law to refrain from acts that would defeat the object and purpose of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their legal obligations. The United States is seeking to negotiate

improved verification measures for the Treaty. Both Parties have separately stated they would observe the 150 kiloton threshold of the TTBT.

- **Obligation:** The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties beginning March 31, 1976. In view of the technical uncertainties associated with estimating the precise yield of nuclear weapon tests, the sides agreed that one or two slight, unintended breaches per year would not be considered a violation.

- **Issue:** The January 1984 and February 1985 reports examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons. This report reexamines this issue.

- **Finding:** While ambiguities in the pattern of Soviet testing and verification uncertainties continued in 1985, the U.S. Government reaffirms the February 1985 finding that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty of 1974, which banned underground nuclear tests with yields exceeding 150 kilotons. These Soviet actions continued despite U.S. requests for corrective measures.

Limited Test Ban Treaty

Underground Nuclear Test Venting

- **Treaty Status:** The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty—LTBT) is a multilateral treaty that entered into force for the United States

and the Soviet Union in 1963. Soviet actions not in accord with this treaty are violations of a legal obligation.

- **Obligations:** The LTBT specifically prohibits nuclear explosions in the atmosphere, in outer space and under water. It also prohibits nuclear explosions in any other environment "if such explosions cause radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted."

- **Issue:** The February 1985 report examined whether the U.S.S.R.'s underground nuclear tests have caused radioactive debris to be present outside of its territorial limits. This report reexamines this issue.

- **Finding:** The U.S. Government reaffirms the judgment made in the February 1985 report that the Soviet Union's underground nuclear test practices resulted in the venting of radioactive matter on numerous occasions and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation under the Limited Test Ban Treaty. The Soviet Union failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous U.S. demarches and requests for corrective action.

Helsinki Final Act

Helsinki Final Act Notification of Military Exercises

- **Legal Status:** The Final Act of the Conference on Security and Cooper-

ation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with many other States. Soviet actions not in accord with that document are violations of their political commitment.

- **Obligation:** All signatory States of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military maneuvers, defined as those involving more than 25,000 troops.

- **Issue:** The January 1984 and February 1985 reports examined whether notification of the Soviet military exercise "Zapad-81" was inadequate and therefore a violation of the Soviet Union's political commitment under the Helsinki Final Act. This report reexamines this issue.

- **Finding:** The U.S. Government previously judged and continues to find that the Soviet Union in 1981 violated its political commitment to observe provisions of Basket I of the Helsinki Final Act by not providing prior notification of exercise "ZAPAD-81." While the U.S.S.R. has generally taken an approach to the confidence-building measures of the Final Act which minimizes the information it provides, Soviet compliance with the exercise-notification provisions was improved in 1983. In 1984, the Soviets returned to a minimalist approach providing only the bare information required under the Final Act. The Soviet Union continued this approach during 1985. ■

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